IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.2902 OF 2007

Chinnaya Arjun ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Chetan Akerkar, Advocate for the applicant.

Ms M. H. Mhatre, A.P.P for the respondent.

CORAM: V.C. DAGA,J.
DATED: 4.10.2007.

P.C.

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused the application and the material available on record.

3. The applicant-original accused arrested in C. R. No. 4 of 2007, registered with Santacrux Airport Police Station, Mumbai for the offence under Section 302 of the I.P.C., is seeking bail under Section 439 of the Cr.P.C.

4. According to the prosecution, the deceased was the wife of the present applicant. She was in the company of her husband (i.e. the present applicant)on that fateful night. The applicant was addicted to heavy drinking of liquor and due to that there were frequent quarrels between wife and husband. The

Session Court, while rejecting two bail applications, has observed that there is no direct evidence against the mother of the deceased but there is strong evidence to connect the applicant with the alleged offence. Magnitude of the offence is very serious. Weapon of assault is a stone. The victim has suffered a stone blow on her head and died due to head injury i. e. unnatural death. In the circumstances, the Session Court was pleased to reject two bail applications twice.

5. In the above view of the matter, no case is made out for grant of bail. The reasons recorded by the learned Sessions Court, Mumbai in its orders dated 8.6.2007 and 27.8.2007 in Bail Application Nos. 144 of 2007 and 285 of 2007 respectively hold good.

6. In the result, the present application stands rejected.

7. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C.DAGA,J)